

# Student Conduct

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Dr. Malcolm Conner  
Bureau of Special Education  
Pennsylvania Department of Education  
333 Market Street  
Harrisburg, PA 17126  
mconner@state.pa.us

# Student Conduct

- Question:
  - Prior to any suspension of a special education student, must the local educational agency (LEA) conduct a manifestation determination?
    - \_\_\_ Yes
    - \_\_\_ No
    - \_\_\_ Depends

## Student Conduct

- Limitations
  - Summary
    - Regular Education
    - Section 504
    - Special Education
      - Intellectual Disability
      - Other disability categories
- Purpose

## Student Conduct

- Sources of information
  - Basic Education Circular
    - Disciplinary Exclusion of Students Who Are Eligible for Special Education
  - 22 Pa Code Chapter 12
  - 22 Pa Code Chapter 14
  - 22 PA Code Chapter 16
  - 22 Pa Code Chapter 711
  - Individuals with Disabilities Education Improvement Act-2004 (IDEA)
  - Public School Code of 1949

## Student Conduct

- 22 Pa Code 12.1(a) and (b)
  - Free education
    - 6-21 free and full education
  - Attendance
    - 8-17 compulsory education

## Student Conduct

- School rules
  - 22 Pa Code 12.3(a), (b), and (c)
    - Rules for student conduct
    - Policies re student discipline
    - Student rights and responsibilities
    - Conduct code published distributed
- Exclusions
  - Suspensions
    - Goss v. Lopez
  - Expulsions
    - Honig v. Doe

## Student Conduct

- Exclusion
  - Suspension
    - 22 Pa Code 12.6(b)(1)
      - Regular education
      - Section 504
      - Special education
        - » Intellectual disability?

## Student Conduct

- Exclusion
  - Suspension
    - 22 Pa Code 12.6(b)(1)
      - Who can suspend?
      - For what period of time?
      - What are the procedural requirements?

## Student Conduct

- Exclusion
  - Suspension
    - 22 Pa Code 12.6(b)(1)
      - 1-3 consecutive school days
        - » Procedural requirements
      - 4-10 consecutive school days
        - » Procedural requirements
      - Work and assignments
    - In school suspension
    - Bus removal

## Student Conduct

- Question:
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    - \_\_\_ Yes
    - \_\_\_ No
    - \_\_\_ Depends

## Student Conduct

- Exclusion
  - REGULAR EDUCATION STUDENTS
  - Expulsion
    - 22 Pa Code 12.6(b) through (e)
      - Number of consecutive school days
      - Informal hearing
      - Formal hearing
        - » When?

## Student Conduct

- REGULAR EDUCATION STUDENTS
- Expulsion
  - 17 years of age and under
    - Responsibility of parents for education
      - 30 calendar days
      - 10 calendar days

## Student Conduct

- Section 504 STUDENTS
- Expulsion
  - Change in placement
    - Reevaluation
      - When to be conducted?
      - First component of reevaluation
    - No-relationship
    - Yes-relationship

## Student Conduct

- Section 504 STUDENTS
- Expulsion
  - What about
    - Alcohol
    - Drugs
    - Gun
    - Serious bodily injury
      - Health, welfare, safety
  - Does the Interim Alternative Education Setting provision apply?

# Student Conduct

- Section 504 STUDENTS
- Expulsion
  - WHAT ABOUT A BEHAVIORAL INTERVENTION PLAN?
    - **Disability-related behavioral problem interferes with ability to benefit from educational program**
      - Considerations
        - » History of behavior difficulties and failing grades
        - » Manifests repeated or serious misconduct
      - Purpose
        - » Modify negative behaviors
        - » Concrete/positive reinforcements for positive behavior

# Student Conduct

- SPECIAL EDUCATION STUDENTS
- Expulsion
  - Disciplinary exclusions resulting in change in educational placement
    - **Disciplinary exclusion of more than 10 consecutive school days in a school year**
      - Process for exclusion more than 10 consecutive school days
    - **Disciplinary exclusion of more than 15 school days in a school year**
      - Process for exclusion more than 15 school days in school year
    - **Any exclusion of a student with intellectual disability within the school year (22 Pa Code 14.143(b))**
      - Process for exclusion of a student with intellectual disability
    - **Pattern of disciplinary exclusions within the school year**



## Student Conduct

- SPECIAL EDUCATION STUDENTS
- Expulsion
  - 34 CFR 300.534(b)(1), (2), and (3)
  - Knowledge
    - What is this?
    - Are there exceptions?

## Student Conduct

- SPECIAL EDUCATION STUDENTS
- Expulsion
  - 34 CFR 300.530 Discipline procedures
    - Removal up to 10 consecutive school days
      - Days 11-15
    - Provide services
      - » Services in consultation with one of child's teachers
      - » Continue to participate in general education curriculum
      - » Progress toward meeting the annual goals
      - » Receive functional behavioral assessment (FBA)
      - » Receive behavioral intervention services

## Student Conduct

- SPECIAL EDUCATION STUDENTS
- Expulsion
  - **34 CFR 300.530 Discipline procedures**
    - If removal represents a change in educational placement
      - Decision to conduct manifestation determination (MD)
        - » Who conducts MD?
        - » Review of data
      - What if relationship between behavior and disability?

## Student Conduct

- SPECIAL EDUCATION STUDENTS
- Expulsion
  - Interim Alternative Education Setting (IAES)
    - Drugs
    - Weapons
    - Serious Bodily Injury
    - Does this include a child with intellectual disability?
  - Decision Notify parents issue procedural safeguards notice
  - How long
  - What if LEA wants a longer period?
    - How would an extension be determined?
  - Can the parents appeal this IAES?
    - Placement during appeal

## Student Conduct

- Questions and responses